



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER OF PATENTS  
Box PCT  
Washington, D.C. 20231

#5

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/765,287	LOCHT	C 960-25
INTERNATIONAL APPLICATION NO.		
PCT/FR95/00512		
I.A. FILING DATE		PRIORITY DATE
04/19/95		04/19/94

5611

NIXON & VANDERHYE PC  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201

DATE MAILED:

06/18/97

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☒ a non-English language.

☐ English.

☒ Translation of the international application into English.

☒ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 09 JAN 1997 and

☐ Information Disclosure Statement(s) filed and

☒ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status:

☒ Priority Document.

☒ Copy of the International Search Report and copies of the references cited therein.

☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (September 1996)

Telephone: (703)305-3734

Charita A. Burn  
Patent Specialist



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

#5

08/765287

U.S. APPLICATION NO. 08/765,287	INVENTOR LOCHT	FIRST NAMED APPLICANT 1	ATTY. DOCKET NO. 980-25
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NIXON & VANDERHYE PC  
1100 NORTH GLEBE ROAD  
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ARLINGTON VA 22201

5611

INTERNATIONAL APPLICATION NO.  
PCT/US95/00512

I.A. FILING DATE 04/19/95	PRIORITY DATE 04/19/94
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06/18/97

DATE MAILED

### NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☐ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☒ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

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Patent Specialist

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116-3907

FORM PTO-1390 (REV. 5/93)		U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket Number  <b>960-25</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. Application No. (if known, see 37 C.F.R. 1.5)  <b>08/765,287</b>	
International Application No.  <b>PCT/FR95/00512</b>	International Filing Date  <b>19 April 1995</b>	Priority Date Claimed  <b>19 April 1994</b>	
Title of Invention <b>RECOMBINANT PROTEINS OF FILAMENTOUS HAEMAGGLUTININ OF BORDETELLA, PARTICULARLY BORDETELLA PERTUSSIS, METHOD FOR PRODUCING SAME, AND USES THEREOF FOR PRODUCING FOREIGN PROTEINS OR VACCINATING ACTIVE PRINCIPLES</b>			
Applicant(s) For DO/EO/US  <b>LOCHT et al</b>			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.			
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) Articles 22 and 39(1). 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19 <sup>th</sup> month from the earliest claimed priority date. 5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)). a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 11. The above checked items are being transmitted: a. <input type="checkbox"/> before the 18 <sup>th</sup> month publication. b. <input type="checkbox"/> after publication and the Article 20 communication but before 20 months from the priority date. c. <input type="checkbox"/> after 20 months. d. <input type="checkbox"/> by 30 months and a proper demand for International Preliminary Examination was made by the 19 <sup>th</sup> month from the earliest claimed priority date. e. <input type="checkbox"/> after 30 months. <b>Note:</b> Petition to revive (37 CFR 1.137(a) or (b)) is necessary if 35 U.S.C. 371 requirements submitted (1) after 20 months and no proper demand for International Preliminary Examination was made by 19 months from the earliest claimed priority date, or (2) after 30 months and a proper demand for International Preliminary Examination was made by 19 months from the earliest claimed priority date. 12. At the time of transmittal, amendments to the claims under Article 34 a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired. d. <input type="checkbox"/> have not been made and will not be made. 13. <input checked="" type="checkbox"/> Certain requirements under 35 U.S.C. 371 were previously submitted by the applicant on <u>January 9, 1997</u> , namely: <b>Application papers and filing fees</b> <b>Items 14. To 19. Below concern other document(s) or information included:</b> 14. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 15. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 16. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment. <input type="checkbox"/> A <b>SECOND OR SUBSEQUENT</b> preliminary amendment. 17. <input type="checkbox"/> A change of power of attorney. 18. <input type="checkbox"/> A change of address letter.			

19. <input checked="" type="checkbox"/> Other items or information: Form PCT/DO/EP 905 (Notification of Missing Requirements...)									
20. <input type="checkbox"/> The following fees are submitted:						CALCULATIONS		PTOUSE ONLY	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5))</b>									
-- Search Report has been prepared by the EPO or JPO .....\$910.00									
-- International preliminary examination fee paid to USPTO (37 CFR 1.492).....\$700.00									
-- No international preliminary examination fee paid to USPTO (37 CFR 1.492) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$770.00									
-- Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$1,040.00									
-- International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provision of PCT Article 33(1) to (4).....\$96.00									
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>						\$			
Surcharge of \$130.00 for furnishing the National fee or oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 mos. from the earliest claimed priority date (37 CFR 1.492(e)).									
<b>CLAIMS</b>		<b>NUMBER FILED</b>		<b>NUMBER EXTRA</b>		<b>RATE</b>			
Total Claims		-20 =				X	\$22.00	\$	
Independent Claims		-3 =				X	\$80.00	\$	
Multiple Dependent Claims(s) (if applicable)						+\$260.00		\$	
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110/1 month); \$390/2 months); \$930/3 months)						\$	390.00		
<b>TOTAL OF ABOVE CALCULATIONS =</b>						\$			
Reduction by 1/2 for filing by small entity, if applicable. Affidavit must be filed also. (Note 37 CFR 1.9, 1.27, 1.28).									
<b>SUBTOTAL =</b>						\$	390.00		
Processing fee of \$130.00, for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 mos., from the earliest claimed priority date (37 CFR 1.492(f)).									
<b>TOTAL NATIONAL FEE =</b>						\$			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +						\$			
Fee for Petition to Revive Unintentionally Abandoned Application (\$1,290 - Small Entity Fee = \$645)						\$			
<b>TOTAL FEES ENCLOSED =</b>						\$	390.00		
						Amount to be refunded		\$	
						Charged		\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$390.00 to cover the above fees is enclosed.									
b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.									
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.									
<b>SEND ALL CORRESPONDENCE TO:</b>						Signature <u>Mary J. Wilson</u>			
NIXON & VANDERHYE P.C. 1100 North Glebe Road, 8th Floor Arlington, Virginia 22201 Telephone: (703) 816-4000						Name <u>Mary J. Wilson</u>			
32,955						September 12, 1997			
Registration Number						Date			